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**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Application Number: 10/006,260  
Filing Date: November 02, 2001  
Appellant(s): PERELMAN ET AL.

**MAILED**

**APR 10 2006**

**Technology Center 2100**

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William E. Hunter  
For Appellant

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed 1/3/06 appealing from the Office action  
mailed 7/19/05.

**REAL PARTY IN INTEREST**

The appellants' statement of the real party in interest contained in the brief is correct.

**RELATED APPEALS AND INTERFERENCES**

The appellants' statement of the related appeals and interferences contained in the brief is correct.

**STATUS OF CLAIMS**

The appellants' statement of the status of claims contained in the brief is correct.

**STATUS OF AMENDMENTS**

The appellants' statement of the status of amendments after final rejection contained in the brief is correct.

**SUMMARY OF INVENTION**

The summary of the invention contained in the brief is correct.

**ISSUES**

The appellants' statement of the issues in the brief is correct.

### **GROUPING OF THE CLAIMS**

The appellants' statement of the grouping of the claims in the brief is correct.

### **CLAIMS APPEALED**

The copy of the appealed claims in the appendix pages 1-8 is correct.

### **PRIOR ART OF RECORD**

D'Arlach et al., US Patent Number 6,026,433, issued on February 15, 2000, but filed on March 17, 1997 (hereinafter D'Arlach).

Szabo, US Patent Number 6,868,525, issued on March 15, 2005, but filed on May 26, 2000 (hereinafter Szabo).

Dilworth et al., WO 00/51018, issued on August 31, 2000, but filed on February 18, 2000.

### **NEW PRIOR ART**

No new prior art has been applied in this examiner's answer.

### **GROUND OF REJECTION**

Claims 1-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 6,026,433 issued to D'Arlach et al.(D'Arlach) in view of US Patent 6,868,525 issued to Szabo.

As per claim 1, 16, 24, 32, D'Arlach teaches a machine-implemented method of modifying an electronic document(Abstract), the method comprising:

receiving a request from a client(Abstract, Fig.2; user requests a template and/or user edits elements);

producing data corresponding to the client request(Abstract, Fig.2, col.6, lines 1-19, Figs.6; sending the user the template and/or updating the webpage);

generating instructions to modify an electronic document defining visual information to be displayed(Abstract, col.4, lines 54-67, col.6, lines 1-19, Figs.6, D'Arlach teaches how to modify the template, e.g. picking a type of template to use, adding URLs and changing colors, this is interpreted as instructions), the generated instructions specifying one or more operations to modify the electronic document at the client to accommodate the produced data(Abstract, col.4, lines 54-67, col.6, lines 1-19, Figs.6), and the generated instructions including at least one tag indicating an order in which the produced data is to be imported into the electronic document and the instructions are to be performed(Abstract, col.4, lines 54-67, col.6, lines 1-19, Figs.6); and transmitting the produced data and the generated instructions to the client(Abstract, col.4, lines 54-67, col.6, lines 1-19, Figs.6) and the generated instructions to be performed at the client to effect the one or more operations(Abstract, col.4, lines 54-67, col.6, lines 1-19, Figs.6).

D'Arlach teaches that a user selects an element in a template to edit, the user edits the template element and sends it to the server, the CGI program makes the changes then sends it to the server to display, the server passes on the updated page

to the client which displays the newly updated page for the client/user(col.6, lines 16-18), the user can then select another element to edit.

D'Arlach does not explicitly teach defining an appearance of the electronic document independent of a device used to present the electronic document.

Szabo teaches defining an appearance of the electronic document independent of a device used to present the electronic document(col.2, lines15-30; an XML document will appear the same no matter what platform the OS is).

Therefore it would have been obvious to one modify the teachings of D'Arlach to use a format that will appear the same no matter what platform the computer OS is as taught by Szabo in order to display the same data on any device.

One ordinary skilled in the art at the time of the invention would have been motivated to combine the teachings of Szabo and D'Arlach in order to provide a method so that a webpage can be displayed on all device no matter what OS the device is operating on.

As per claim 2, 33, wherein the produced data includes a location from which the client is to retrieve the electronic document(D'Arlach , Abstract, fig.2).

As per claim 3, 34 wherein the produced data includes a file name for the electronic document, which is already locally accessible by the client(D'Arlach, col.5, lines 46-55).

As per claim 4, 19,29,35, wherein the operations to modify the predetermined format at the client comprise adding information to the electronic document without changing pre-existing format information in the electronic document(D'Arlach, Figs. 11-

13, col.9, lines 10-50, shows that a user can add graphics, labels, and linking information to the website. These elements have not changed the other contents of the website, e.g. Fig.12, "Announcing The Next Picnic". D'Arlach, col.7, lines 45-50, further teaches that a user can add a hyperlink element for a full-text search to the existing website. Therefore, D'Arlach clearly teaches, "adding information to the electronic document without changing the pre-existing information in the electronic document").

As per claim 5, 20,30,36 wherein the generated instructions comprise a script(D'Arlach, Fig.4).

As per claim 6, 21, 37, wherein the generated instructions further comprise at least one tag indicating an order in which the produced data is to be imported into the electronic document and the instructions are to be performed(D'Arlach, Fig.4, 7-13; the definition of tag by one ordinary skill in the art, is a code that identifies an element in a document, such as a heading or a paragraph, for the purpose of formatting, indexing, and linking information in the document, a tag is generally a pair of angle brackets that contain one or more letters and numbers, and is placed before an element, and another pair is placed, after to indicate where the element begins and ends, as described in Microsoft Computer Dictionary tag definition, page 511. D'Arlach, Abstract, teaches the editing of webpage. The applicant admits that one ordinary skill in the art knows that all HTML pages uses tags, appeal brief page 12, line 20-25. Implicitly D'Arlach teaches that tag relates to an order in which to import data into an electronic document and to perform instructions that modify the documents to accommodate the data because

D'Arlach teaches the use of HTML which has tags and which is admitted by the applicant and by definition of tag, it indicates where elements begins and ends.

As per claim 7, 22, 38 wherein the at least one tag is a before tag, an after tag or a document tag, wherein the before tag indicates that the produced data is to be imported into the electronic document before the instructions are performed, the after tag indicates that the produced data is to be imported into the electronic document after the instructions are performed, and the document tag indicates that at least a portion of the generated instructions are to be inserted into the electronic document (D'Arlach, Fig.4, 7-13; the claim recites, "wherein the at least one tag is a before tag, an after tag or a document tag, wherein the before tag indicates that the produced data is to be imported into the electronic document before the instructions are performed, the after tag indicates that the produced data is to be imported into the electronic document after the instructions are performed, and the document tag indicates that at least a portion of the generated instructions are to be inserted into the electronic document". The limitation requires that one can show just one type of tag, either a before tag, an after tag or a document tag. D'Arlach, Abstract, teaches editing of webpage. The applicant admits that one ordinary skill in the art knows that all HTML pages uses tags, appeal brief page 12, line 20-25. Since by definition of tag, it indicates where elements begins and ends, D'Arlach implicitly teaches an document tag of indicating that at least a portion of data are to be inserted into the electronic document).



As per claim 8, 23,31,39, wherein the electronic document comprises a form document including one or more form fields, which are responsive to user actions(D'Arlach, Fig.4, 7-13).

As per claim 9, 40, wherein adding the information causes a new visual object to overlay one or more pre-existing visual objects in the electronic document(D'Arlach, Fig.4, 7-13 the applicant specification, appeal brief page 14, and specification paragraph 27 describes overlaying of visual objects in an electronic document as adding a new field to the existing form by appending attribute to the files that describes how to construct the field( e.g. location, dimension, color, border). D'Arlach, Fig.10, teaches that a user can add labels, which can be a specific color, type of font, and size. Therefore, D'Arlach clearly teaches "overlay of visual objects in an electronic document", that is consistent with the applicant specification).

As per claim 10, the method of claim 8, wherein the generated instructions are specific to the electronic document, and the operations to modify the predetermined format at the client result in one or more of the following document changes: field identity change, field location re-arrangement, and field content change(D'Arlach, Fig.4, 7-13).

As per claim 11, the method of claim 8, wherein the client comprises a device having a memory storing the electronic document(D'Arlach, Fig.2).

As per claim 12, the method of claim 8, wherein the client comprises a software application(D'Arlach, Fig.2).

As per claim 13, the method of claim 8, wherein the client request comprises a database search request, and wherein producing data comprises retrieving data from a database(D'Arlach, Abstract, Fig.2).

As per claim 14, the method of claim 8, wherein producing data comprises generating data using scripts(D'Arlach, Fig.4, 7-13).

As per claim 15, the method of claim 8, wherein generating instructions comprises: retrieving initial instructions(Abstract); and customizing the initial instructions to be specific to the electronic document(D'Arlach, Fig.4, 7-13).

As per claim 17, the method of claim 16, wherein obtaining the electronic document comprises receiving the electronic document(D'Arlach, Abstract).

As per claim 18, the method of claim 16, wherein obtaining the electronic document comprises retrieving the electronic document as directed by the instructions(D'Arlach, Fig.4, 7-13).

As per claim 25, the method of claim 24, wherein the at least one tag indicates that the produced data is to be imported into the electronic document before the instructions are performed(D'Arlach, Fig.4-13).

As per claim 26, the method of claim 24, wherein the at least one tag indicates that the produced data is to be imported into the electronic document after the instructions are performed(D'Arlach, Fig.4-13).

As per claim 27, the method of claim 24, wherein the at least one tag indicates that at least a portion of the generated instructions are to be inserted into the electronic document(D'Arlach, Fig.4-13).

As per claim 28, the method of claim 24, wherein the at least a portion of the generated instructions result in dynamically set preference settings for the electronic document(D'Arlach, Abstract, Fig.4-13).

Claims 1-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 6,026,433 issued to D'Arlach et al(D'Arlach) in view of WO 00/51018 issued to Dilworth et al.(Dilworth).

As per claim 1, 16, 24, 32, D'Arlach teaches a machine-implemented method of modifying an electronic document(Abstract), the method comprising:

receiving a request from a client(Abstract, Fig.2; user requests a template and/or user edits elements);

producing data corresponding to the client request(Abstract, Fig.2, col.6, lines 1-19, Figs.6; sending the user the template and/or updating the webpage);

generating instructions to modify an electronic document defining visual information to be displayed(Abstract, col.4, lines 54-67, col.6, lines 1-19, Figs.6, D'Arlach teaches how to modify the template, e.g. picking a type of template to use, adding URLs and changing colors, this is interpreted as instructions), the generated instructions specifying one or more operations to modify the electronic document at the client to accommodate the produced data(Abstract, col.4, lines 54-67, col.6, lines 1-19, Figs.6), and the generated instructions including at least one tag indicating an order in which the produced data is to be imported into the electronic document and the

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instructions are to be performed(Abstract, col.4, lines 54-67, col.6, lines 1-19, Figs.6); and transmitting the produced data and the generated instructions to the client(Abstract, col.4, lines 54-67, col.6, lines 1-19, Figs.6) and the generated instructions to be performed at the client to effect the one or more operations(Abstract, col.4, lines 54-67, col.6, lines 1-19, Figs.6)

D'Arlach teaches that a user selects an element in a template to edit, the user edits the template element and sends it to the server, the CGI program makes the changes then sends it to the server to display, the server passes on the updated page to the client which displays the newly updated page for the client/user(col.6, lines 16-18), the user can then select another element to edit.

D'Arlach does not explicitly teach defining an appearance of the electronic document independent of a device used to present the electronic document.

Dilworth teaches defining an appearance of the electronic document independent of a device used to present the electronic document(Abstract).

Therefore it would have been obvious to one modify the teachings of D'Arlach to use a format that will appear the same no matter what platform the computer OS is as taught by Dilworth in order to display the same data on any device.

One ordinary skilled in the art at the time of the invention would have been motivated to combine the teachings of Dilworth and D'Arlach in order to provide a method so that a webpage can be displayed on all device no matter what OS the device is operating on.

As per claim 2, 33, wherein the produced data includes a location from

which the client is to retrieve the electronic document(D'Arlach , Abstract, fig.2).

As per claim 3, 34 wherein the produced data includes a file name for the electronic document, which is already locally accessible by the client(D'Arlach, col.5, lines 46-55).

As per claim 4, 19,29,35, wherein the operations to modify the predetermined format at the client comprise adding information to the electronic document without changing pre-existing format information in the electronic document(D'Arlach, Figs. 11-13, col.9, lines 10-50, shows that a user can add graphics, labels, and linking information to the website. These elements have not changed the other contents of the website, e.g. Fig.12, "Announcing The Next Picnic". D'Arlach, col.7, lines 45-50, further teaches that a user can add a hyperlink element for a full-text search to the existing website. Therefore, D'Arlach clearly teaches, "adding information to the electronic document without changing the pre-existing information in the electronic document").

As per claim 5, 20,30,36 wherein the generated instructions comprise a script(D'Arlach, Fig.4).

As per claim 6, 21, 37, wherein the generated instructions further comprise at least one tag indicating an order in which the produced data is to be imported into the electronic document and the instructions are to be performed(D'Arlach, Fig.4, 7-13; the definition of tag by one ordinary skill in the art, is a code that identifies an element in a document, such as a heading or a paragraph, for the purpose of formatting, indexing, and linking information in the document, a tag is generally a pair of angle brackets that contain one or more letters and numbers, and is placed before an element, and another

pair is placed, after to indicate where the element begins and ends, as described in Microsoft Computer Dictionary tag definition, page 511. D'Arlach, Abstract, teaches the editing of webpage. The applicant admits that one ordinary skill in the art knows that all HTML pages uses tags, appeal brief page 12, line 20-25. Implicitly D'Arlach teaches that tag relates to an order in which to import data into an electronic document and to perform instructions that modify the documents to accommodate the data because D'Arlach teaches the use of HMTL which has tags and which is admitted by the applicant and by definition of tag, it indicates where elements begins and ends.

As per claim 7, 22, 38 wherein the at least one tag is a before tag, an after tag or a document tag, wherein the before tag indicates that the produced data is to be imported into the electronic document before the instructions are performed, the after tag indicates that the produced data is to be imported into the electronic document after the instructions are performed, and the document tag indicates that at least a portion of the generated instructions are to be inserted into the electronic document(D'Arlach, Fig.4, 7-13; the claim recites, "wherein the at least one tag is a before tag, an after tag or a document tag, wherein the before tag indicates that the produced data is to be imported into the electronic document before the instructions are performed, the after tag indicates that the produced data is to be imported into the electronic document after the instructions are performed, and the document tag indicates that at least a portion of the generated instructions are to be inserted into the electronic document". The limitation requires that one can show just one type of tag, either a before tag, an after tag or a document tag. D'Arlach, Abstract, teaches editing of webpage. The applicant

admits that one ordinary skill in the art knows that all HTML pages uses tags, appeal brief page 12, line 20-25. Since by definition of tag, it indicates where elements begins and ends, D'Arlach implicitly teaches an document tag of indicating that at least a portion of data are to be inserted into the electronic document).

As per claim 8, 23,31,39, wherein the electronic document comprises a form document including one or more form fields, which are responsive to user actions(D'Arlach, Fig.4, 7-13).

As per claim 9, 40, wherein adding the information causes a new visual object to overlay one or more pre-existing visual objects in the electronic document(D'Arlach, Fig.4, 7-13 the applicant specification, appeal brief page 14, and specification paragraph 27 describes overlaying of visual objects in an electronic document as adding a new field to the existing form by appending attribute to the files that describes how to construct the field( e.g. location, dimension, color, border). D'Arlach, Fig.10, teaches that a user can add labels, which can be a specific color, type of font, and size. Therefore, D'Arlach clearly teaches "overlay of visual objects in an electronic document", that is consistent with the applicant specification).

As per claim 10, the method of claim 8, wherein the generated instructions are specific to the electronic document, and the operations to modify the predetermined format at the client result in one or more of the following document changes: field identity change, field location re-arrangement, and field content change(D'Arlach, Fig.4, 7-13).

As per claim 11, the method of claim 8, wherein the client comprises a device having a memory storing the electronic document(D'Arlach, Fig.2).

As per claim 12, the method of claim 8, wherein the client comprises a software application(D'Arlach, Fig.2).

As per claim 13, the method of claim 8, wherein the client request comprises a database search request, and wherein producing data comprises retrieving data from a database(D'Arlach, Abstract, Fig.2).

As per claim 14, the method of claim 8, wherein producing data comprises generating data using scripts(D'Arlach, Fig.4, 7-13).

As per claim 15, the method of claim 8, wherein generating instructions comprises: retrieving initial instructions(Abstract); and customizing the initial instructions to be specific to the electronic document(D'Arlach, Fig.4, 7-13).

As per claim 17, the method of claim 16, wherein obtaining the electronic document comprises receiving the electronic document(D'Arlach, Abstract).

As per claim 18, the method of claim 16, wherein obtaining the electronic document comprises retrieving the electronic document as directed by the instructions(D'Arlach, Fig.4, 7-13).

As per claim 25, the method of claim 24, wherein the at least one tag indicates that the produced data is to be imported into the electronic document before the instructions are performed(D'Arlach, Fig.4-13).



As per claim 26, the method of claim 24, wherein the at least one tag indicates that the produced data is to be imported into the electronic document after the instructions are performed(D'Arlach, Fig.4-13).

As per claim 27, the method of claim 24, wherein the at least one tag indicates that at least a portion of the generated instructions are to be inserted into the electronic document(D'Arlach, Fig.4-13).

As per claim 28, the method of claim 24, wherein the at least a portion of the generated instructions result in dynamically set preference settings for the electronic document(D'Arlach, Abstract, Fig.4-13).

### **RESPONSE TO ARGUMENT**

The examiner summarizes the various points raised by the appellant and addresses replies individually.

As per appellants' arguments filed on 1/3/06, the appellants argues in substance that;

a) D'Arlach does not teach, as per claims 1, 16, 32, "generating instructions to modify an electronic document, the generated instructions specifying one or more operations to modify the electronic document at the client to accommodate the produced data, the generated instructions to be performed at the client to effect the one or more operations", in particular the applicant asserts that "all changes occur on the server computer, not at the client", page 9-10 of the appeal brief,

b) Szabo does not teach, as per claims 1, 16, 32, "an electronic document having a predetermined format that defines an appearance of the electronic document

independent of a device used to present the electronic document”, in particular the applicant asserts that XML is not device independent and that it does not define a format, page 11-12 of the appeal brief,

c) D’Arlach does not teach, as per claims 6, 21, 24, 37, “the generated instructions further comprise at least one tag indicating an order in which the produced data is to be imported into the electronic document and the instructions are to be performed”, page 12-13, of the appeal brief,

d) D’Arlach does not teach, as per claims 7, 22, 25-27, 38, “specific types of tags that (1) indicate the produced data is to be imported into the electronic document before the instructions are performed, (2) indicate the produced data is to be imported into the electronic document after the instructions are performed, or (3) indicate that at least a portion of the generated instructions are to be inserted into the electronic document”, page 13, of the appeal brief,

e) D’Arlach, does not teach, as per claims 4, 19, 29, 35, “adding information to the electronic document without changing the pre-existing information in the electronic document”, page 13-14, of the appeal brief,

f) D’Arlach does not teach, as per claims 9, 40, “overlay of visual objects in an electronic document”, page 14, of the appeal brief,

g) Applicant makes the same argument, page 15 of the appeal brief, as in a), c), d), e), and f), for D’Arlach in view of Dilworth, in particular the deficiency of D’Arlach see above,

h) Dilworth does not teach, as per claims 1, 16, 32, "an electronic document having a predetermined format that defines an appearance of the electronic document independent of a device used to present the electronic document", page 15-17 of the appeal brief.

**In reply to a);** As per claims 1, 16, 32, D'Arlach, Abstract, col.4, lines 54-67, Figs.3-4, teaches a template with editable objects and/ or elements in which a user can add or modify graphics, text and other elements. This clearly teaches, generating instructions(template with editable objects and/or elements) to modify an electronic document(the template is modified e.g. adding /modifying graphics, text, buttons, to build a website).

D'Arlach, col.6, lines 1-19, Figs.6, teaches that a user selects an element in a template to edit; the user edits the template element and sends it to the server, the CGI program makes the changes then sends it to the server to display, the server passes on the updated page to the client which displays the newly updated page for the client/user(col.6, lines 16-18), the user can then select another element to edit.

The applicant assertion that, "all changes occur on the server computer, not at the client", is false. When the server passes on the updated page to the client to be displayed, the page at the user is implicitly being replaced with this updated/new page, therefore there is a change that occurs at the client. Then the user can choose to edit more elements, in which the process of sending it to the server and sending the updated page back to the user is repeated. Clearly there is modification that is occurring at the client, therefore D'Arlach teaches generated instructions specifying one or more

operations to modify the electronic document at the client to accommodate the produced data, the generated instructions to be performed at the client to effect the one or more operations.

**In reply to b);** As per claims 1, 16, 32, Szabo, col.2, lines 15-30, teaches that a web server can transmit a web page in HTML or XML, and each web page includes embedded hypertext linkage, which direct the client browser to other web page. This is analogous art since the system of D'Arlach, Fig.12 shows that a client can modify his/her webpage to include hyperlinks. Szabo is applied to D'Arlach to introduce an electronic document independent of the device used to present the electronic document, XML webpage. The Office interprets, "an electronic document independent of a device", as an electronic document that can be displayed on any OS platform. This is an accepted meaning to one ordinary skill in the art, see Appendix Wikipedia definition of *Device Independent* labeled Reference 1 and Peter Mikhalenko's *Introduction to Device Independence* labeled Reference 2, page 1. The applicant asserts that the appearance of an XML document would be different on different platforms. This statement, however is false, one ordinary skill in the art knows that XML is a device independent format, see Appendix, Peter Mikhalenko's *Introduction to Device Independence* labeled Reference 2, page 2, underline portions, Wikipedia definition of *XML* labeled Reference 3, page 1, underline portion, and Marc Abrams's *UIML:An XML Language for Building Device-Independent User Interfaces* labeled Reference 4, page 1, underline portion. Szabo,col.2, line 19, teaches in particular the XML webpage.

The applicant has argued that Szabo does not teach, "an electronic document having a predetermined format that defines an appearance of the electronic document independent of a device used to present the electronic document."

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). D'Arlach, Abstract, col.6, lines 1-19, Figs. 4-15, teaches the use of templates to be modified by a user. D'Arlach, Fig.7, teaches there can be different styles for the templates, e.g. Corporate, Funky, Muted. Therefore, D'Arlach teaches, an electronic document having a predetermined format(template with various editable elements) that defines an appearance of the electronic document(different style of templates). Szabo, col.2, lines 15-30, the use of XML webpage. The combination of D'Arlach would produce XML templates or XML code embedded in templates with different styles that a user can request in order to edit.

Therefore it would have been obvious to one modify the teachings of D'Arlach to use a format that will appear the same no matter what platform the computer OS is as taught by Szabo in order to display the same data on any device.

One ordinary skilled I the art at the time of the invention would have been motivated to combine the teachings of Szabo and D'Arlach in order to provide a method so that a webpage can be displayed on all device no matter what OS the device is operating on.

**In reply to c);** As per claims 6, 21, 24, 27, the definition of tag by one ordinary skill in the art, is a code that identifies an element in a document, such as a heading or a paragraph, for the purpose of formatting, indexing, and linking information in the document, a tag is generally a pair of angle brackets that contain one or more letters and numbers, and is placed before an element, and another pair is placed, after to indicate where the element begins and ends, See Appendix, Microsoft Computer Dictionary *tag* definition, page 511. D'Arlach, Abstract, teaches the editing of webpage. The applicant admits that one ordinary skill in the art knows that all HTML pages uses tags, appeal brief page 12, line 20-25. Implicitly D'Arlach teaches that tag relates to an order in which to import data into an electronic document and to perform instructions that modify the documents to accommodate the data because D'Arlach teaches the use of HMTL which has tags and which is admitted by the applicant and by definition of tag, it indicates where elements begins and ends.

**In reply to d);** As per claims 7, 22, 25-27, 38, the claim recites, "wherein the at least one tag is a before tag, an after tag or a document tag, wherein the before tag indicates that the produced data is to be imported into the electronic document before the instructions are performed, the after tag indicates that the produced data is to be imported into the electronic document after the instructions are performed, and the document tag indicates that at least a portion of the generated instructions are to be inserted into the electronic document". The limitation requires that one can show just one type of tag, either a before tag, an after tag or a document tag. D'Arlach, Abstract, teaches editing of webpage. The applicant admits that one ordinary skill in the art knows

that all HTML pages uses tags, appeal brief page 12, line 20-25. Since by definition of tag, it indicates where elements begins and ends, D'Arlach implicitly teaches an document tag of indicating that at least a portion of data are to be inserted into the electronic document.

**In reply to e);** As per claims 4, 19, 29, 35, D'Arlach, Figs. 11-13, col.9, lines 10-50, shows that a user can add graphics, labels, and linking information to the website. These elements have not changed the other contents of the website, e.g. Fig.12, "Announcing The Next Picnic". D'Arlach, col.7, lines 45-50, further teaches that a user can add a hyperlink element for a full-text search to the existing website. Therefore, D'Arlach clearly teaches, "adding information to the electronic document without changing the pre-existing information in the electronic document".

**In reply to f);** As per claims 9, 40, the applicant specification, appeal brief page 14, and specification paragraph 27 describes overlaying of visual objects in an electronic document as adding a new field to the existing form by appending attribute to the files that describes how to construct the field( e.g. location, dimension, color, border). D'Arlach, Fig.10, teaches that a user can add labels, which can be a specific color, type of font, and size. Therefore, D'Arlach clearly teaches "overlay of visual objects in an electronic document", that is consistent with the applicant specification.

**In reply to g);** Applicant makes the same argument as in a), c), d), e), and f), for D'Arlach in view of Dilworth, in particular the deficiency of D'Arlach. Please see replies to a); c); d); e); and f).

**In reply to h);** As per claims 1, 16, 32, Dilworth, Abstract , describe the use of JAVA as a programming language that is cross-platform compatible. The definition of one ordinary skill in the art of cross-platform compatible is software application or hardware device works on multiple system platforms (e.g. Linux, Windows, and Macintosh). This may mean supporting all common platforms, or simply more than one, see Appendix Wikipedia definition of *Cross-platform* labeled Reference 5, page 1, underline portions and Wikipedia's definition of Java Programming language labeled Reference 6, page 1, underline portions.

Dilworth applied to D'Arlach to introduce an electronic document independent of the device used to present the electronic document, JAVA webpage. The Office interprets, "an electronic document independent of a device", as an electronic document that can be displayed on any OS platform. This is an accepted meaning to one ordinary skill in the art, see Appendix Wikipedia definition of *Device Independent* labeled Reference 1.

The applicant has argued that Dilworth does not teach, "an electronic document having a predetermined format that defines an appearance of the electronic document independent of a device used to present the electronic document."

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). D'Arlach, Abstract, col.6, lines 1-19, Figs. 4-15, teaches the use of templates to



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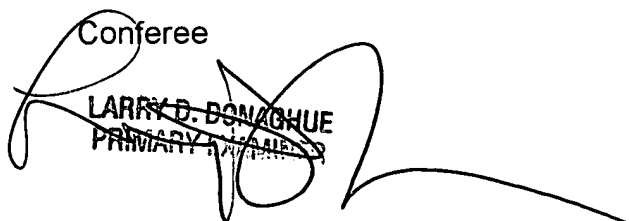
be modified by a user. D'Arlach, Fig.7, teaches there can be different styles for the templates, e.g. Corporate, Funky, Muted. Therefore, D'Arlach teaches, an electronic document having a predetermined format(template with various editable elements) that defines an appearance of the electronic document(different style of templates). Dilworth suggest the use of JAVA webpage, page 4, lines 18-20 The combination of D'Arlach would produce JAVA templates or JAVA enabled templates with different styles that a user can request in order to edit.

Therefore it would have been obvious to one modify the teachings of D'Arlach to use a format that will appear the same no matter what platform the computer OS is as taught by Dilworth in order to display the same data on any device.

One ordinary skilled I the art at the time of the invention would have been motivated to combine the teachings of Dilworth and D'Arlach in order to provide a method so that a webpage can be displayed on all device no matter what OS the device is operating on.

For the above reasons, it is respectfully submitted that the rejections should be sustained.

Respectfully Submitted,

Conferee  
  
LARRY D. DONAHUE  
PRIMARY EXAMINER

  
ZARNI MAUNG  
SUPERVISORY PATENT EXAMINER

## ***Appendix***

Reference 1 : Wikipedia definition of "Device Independent",  
[http://en.wikipedia.org/wiki/Device independent](http://en.wikipedia.org/wiki/Device_independent)

Reference 2: Mikhalenko, Peter, "Introduction to Device Independence, Part1 ",  
September 22, 2004

Reference 3: Wikipedia definition of "XML", <http://en.wikipedia.org/wiki/Xml>

Reference 4: Abrams, Marc, et al., "UIML: An XML Language for Building Device-  
Independent User Interfaces"

Reference 5: Wikipedia definition of "Cross-platform", [http://en.wikipedia.org/wiki/Cross-  
laptform](http://en.wikipedia.org/wiki/Cross-platform)

Reference 6: Wikipedia definition of "Java programming language",  
[http://en.wikipedia.org/wiki/Java programming language](http://en.wikipedia.org/wiki/Java_programming_language)

Microsoft Computer Dictionary Fifth Edition, page 511